

resolution waives all points of order against provisions in the bill as modified and provides a different parameter of general debate from that contained in House Resolution 220. Thus House Resolution 226 constitutes a different proposition from House Resolution 220 as a special order of business.

"The rule is more than the self-executing provision within it. It is the entire resolution, and the entire resolution, by virtue of having a different parameter of debate, is sufficiently different.

"Therefore, the gentleman's point of order is overruled."

When said resolution was considered.

After debate,

On motion of Mr. WHEAT, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WISE, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	224
Nays	205

¶89.8

[Roll No. 368]

YEAS—224

Abercrombie	Dellums	Kennedy
Ackerman	Dicks	Kennelly
Andrews (ME)	Dingell	Kildee
Andrews (NJ)	Dixon	Klecza
Andrews (TX)	Durbin	Klein
Applegate	Edwards (CA)	Klink
Bacchus (FL)	Edwards (TX)	Kopetski
Baessler	Engel	Kreidler
Barca	English (AZ)	LaFalce
Barcia	English (OK)	Lambert
Barlow	Eshoo	Lantos
Barrett (WI)	Evans	LaRocco
Becerra	Farr	Laughlin
Beilenson	Fazio	Lehman
Berman	Fields (LA)	Levin
Bevill	Filner	Lewis (GA)
Bilbray	Flake	Lipinski
Bishop	Foglietta	Long
Blackwell	Foley	Lowe
Bonior	Ford (MI)	Maloney
Borski	Ford (TN)	Manton
Boucher	Frank (MA)	Margolies-
Brooks	Frost	Mezvinsky
Browder	Furse	Markey
Brown (CA)	Gejdenson	Martinez
Brown (FL)	Gephardt	Matsui
Brown (OH)	Gibbons	Mazzoli
Bryant	Glickman	McCloskey
Byrne	Gonzalez	McDermott
Cantwell	Gordon	McHale
Cardin	Green	McKinney
Carr	Gutierrez	McNulty
Chapman	Hall (OH)	Meek
Clay	Hamburg	Menendez
Clayton	Hamilton	Mfume
Clement	Harman	Miller (CA)
Clyburn	Hastings	Mineta
Coleman	Hayes	Minge
Collins (IL)	Hefner	Mink
Collins (MI)	Hilliard	Mollohan
Conyers	Hinchey	Montgomery
Cooper	Hoagland	Moran
Coppersmith	Holden	Murtha
Costello	Hoyer	Nadler
Coyne	Hughes	Natcher
Cramer	Jefferson	Neal (MA)
Danner	Johnson (SD)	Neal (NC)
Darden	Johnson, E.B.	Oberstar
de la Garza	Johnston	Obey
DeFazio	Kanjorski	Olver
DeLauro	Kaptur	Ortiz

Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss

Derrick
Henry

Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skeltton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton

NAYS—205

Grams
Grandy
Greenwood
Gundersen
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton

NOT VOTING—6

Hochbrueckner
McDade

Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pending consideration of the bill, H.R. 2667,

¶89.9 POINT OF ORDER

Mr. SOLOMON made a point of order against the modification to the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, as printed in Part 1 of House Report 103-189 and provided for by House Resolution 226, and said:

"Mr. Speaker, I renew my point of order against the modification printed in part 1 of the Committee on Rules report on the grounds that it is not germane and in violation of clause 7, rule XVI, and constitutes legislating in an appropriations bill in violation of clause 2, rule XXI.

"Mr. Speaker, a point of order was reserved prior to adoption of the rule, since, apparently, that is the point at which the modification was first to be in the House. I have offered this before the bill is called up, since I am aware that all points of order are waived against the bill, as modified, but no points of order are waived in the rule against the modification.

"I would insist on my point of order."

Mr. NATCHER was recognized to speak to the point of order and said:

"Mr. Speaker, the bill is, obviously, protected by the rule just adopted. For instance, on page 3, Mr. Speaker, it provides in part as follows:

'All points of order against consideration of the bill are waived.'

"In addition, further, 'All points of order against the bill, as modified, are waived.'

"Mr. Speaker, the point raised by my friend, the gentleman from New York, is not a valid point of order."

The SPEAKER pro tempore, Mr. WISE, overruled the point of order, and said:

"The point of order on a recommittal motion would have to be made when that motion is offered.

"Referring to the gentleman's point of order, the gentleman from New York [Mr. SOLOMON] makes a point of order that a certain provision in the bill, as modified, constitutes, as the chairman understands it, a nongermane amendment and is legislation on a general appropriations bill.

"The provision in question is the new section inserted in the bill by operation of House Resolution 226, the special order providing for its consideration. Thus, the bill is now pending consideration in that modified form. Moreover, House Resolution 226 waives all points of order against the bill, as modified. Consequently, the point of order made by the gentleman from New York [Mr. SOLOMON] has been waived.

"Once again, the Chair would refer the gentleman in this question and

So the resolution was agreed to.

others that have been raised to the decision on February 24, 1993, by Speaker pro tempore MAZZOLI.

"In response to a parliamentary inquiry regarding the effect of adoption of a special order of business self-executing the adoption of an amendment which, if separately considered, might constitute a violation of a rule of the House, Speaker pro tempore MAZZOLI responded that 'Once the bill—as so modified—is called up * * * because the rule which has by that time been adopted has in it waivers of points of order, that point of order could not be raised.'

"Therefore, the gentleman's point of order is not sustained."

Accordingly,

189.10 FLOOD DISASTER SUPPLEMENTAL APPROPRIATIONS

The SPEAKER pro tempore, Mr. WISE, pursuant to House Resolution 226 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore, Mr. WISE, by unanimous consent, designated Mr. WILLIAMS as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. WHEAT, assumed the Chair.

When Mr. WILLIAMS, Chairman, pursuant to House Resolution 226, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause, and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from excessive rainfall, hail, and floods associated with the Midwest floods of 1993, other 1993 natural disasters occurring prior to August 1, 1993, and natural disasters as declared by the President occurring in calendar year 1993, \$850,000,000, and in addition \$300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the

entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided*, That from funds previously made available in Public Law 102-368 by Presidential declaration, \$100,000,000 to remain available until March 31, 1994, shall be for 1993 crop losses only: *Provided further*, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 50.04 percent of each eligible claim as determined under title XXII of Public Law 101-624 and to make payments for catastrophic losses where the deficiency in production of the crop exceeds 75 percent: *Provided further*, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101-624: *Provided further*, That no payments to producers under this Act shall be at a rate greater than 50.04 percent of each eligible claim, except that for the deficiency in production of the crop in excess of 75 percent, the rate of payment shall be 90 percent: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any provision of Public Law 103-50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

SOIL CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount to repair damages to the waterways and watersheds resulting from the Midwest floods and other natural disasters of 1993, \$25,000,000, to remain available until June 30, 1994 to carry out the Emergency Watershed Protection Program of the Soil Conservation Service: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, \$20,000,000, to remain available until June 30, 1994: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, \$100,000,000, to remain available until expended, for disaster assistance grants pursuant to the Public Works and Economic Development Act of

1965, as amended: *Provided*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, \$1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCIES

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for emergency assistance to Legal Services Corporation basic field programs in areas affected by the Midwest floods of 1993 and other disasters, \$300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, contingent upon the President designating the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans for the Midwest floods and other disasters, \$60,000,000, to remain available until expended; and in addition, for associated administrative expenses to carry out the disaster loan program, an additional \$10,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", \$100,000,000, for the Midwest floods and other disasters, and in addition \$20,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an